

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 3:93-CR-58-3BR
NO. 5:18-CV-606-BR

LYNDELL THOMAS,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the court on petitioner's 25 December 2018 motion pursuant to 28 U.S.C. § 2255. (DE # 122.) Because petitioner has previously filed a § 2255 motion (see DE # 48-1), petitioner must first seek authorization from the Fourth Circuit Court of Appeals before this court can consider the motion. 28 U.S.C. §§ 2244(b), 2255(h). The motion is DISMISSED WITHOUT PREJUDICE. The court finds that petitioner has not made "a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and therefore, a certificate of appealability is DENIED.

This 7 January 2019.



W. Earl Britt
Senior U.S. District Judge